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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)
)
New Fast-Track)
Authorizations for)
Very Small Output Power)
Rural TV Translators)

MM Docket No. _____

To: The Commission

SUPPLEMENT TO PETITION FOR RULE MAKING

The National Translator Association, by its attorney, here supplements the Petition for Rule Making submitted on March 18, 1998. The purpose of this supplement is to clarify two points in the underlying petition, by appropriate revisions to the Text of Proposed Rules, Attachment B-Rev. herewith.

- Proposed Section 73.7572(h) is revised to make clear that Fast-Track applications need not await a processing window, but can be submitted at any time.
- Proposed Section 74.735(d) is revised, in line with the more recent practice, to limit power according to effective radiated power (e.r.p.), instead of transmitter output.

Any questions with respect to this matter should be directed to the undersigned.

Respectfully submitted,

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April 30, 1998.

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TEXT OF PROPOSED RULES
(Revised, 4/30/98)

1. Section 73.3572 is amended by adding paragraph (h) to read as follows:

Section 73.7572 Processing of TV Broadcast, Low Power TV, TV Translator and TV Booster Station Applications

*** * * * ***

(h) Fast-Track translator applications are to be filed using the Fast-Track Application Self Certification Check List (Form No. 333). Fast-Track applications are limited to facilities that will not exceed the power limitations given in §74.735(d). Fast-Track applications are categorically exempt from the window filing period procedures of §73.3572(g)(1), and may be submitted at any time.

(1) A Fast-Track translator application will not be accepted for filing unless the applicant certifies that the service area specified is not within the predicted Grade B contour (computed in accordance with §73.684) or actually received Grade B countour of more than three full service commercial television broadcast stations licensed under Subpart E of Part 73, beginning with §73.601.

(2) Prior to filing a new or major-change Fast-Track application, the applicant shall give written notice of the filing to each licensed station within a prescribed radius of the proposed facility as follows:

(A) For full service television broadcast stations licensed under Part 73, Subpart E: within 75 miles of a co-channel station and within 65 miles of an adjacent channel station.

(B) For low power television broadcast stations licensed under Part 74, Subpart G, beginning with §74.701: within 35 miles of a co-channel station and within 25 miles of an adjacent channel station.

(3) Fast-Track applications are exempt from the local public notice requirements of §73.3580.

(4) Fast-Track applications will be reviewed for completeness of the Self-Certification checklist, and provided they are complete, public notice shall be given of acceptance for filing in Broadcast Applications, in the order received and within two weeks of filing.

(5) Petitions to deny Fast-Track applications will not be entertained unless served on the applicant. Applications having unresolved petitions to deny will remain in pending status and will not be subject to Fast-Track guidelines for expedited processing.

(6) Mutually exclusive Fast-Track applications cannot be processed or granted at this time. Not less than 30 nor more than 60 days after public notice of acceptance for filing of a mutually exclusive application, the staff will inform the applicant in writing of the conflict, and afford 90 days for resolution of the conflict by mutual consent of the affected parties or by engineering modifications. Upon the expiration of 90 days, or such additional time as may be granted by the staff, applications remaining in conflict will be returned without consideration.

(7) Complete and sufficient Check-List applications, not subject to petitions to deny, and being not mutually exclusive with other authorized users, shall be found legally, technically and otherwise qualified and the construction permit shall be granted, in all instances within 45 days of their acceptance for filing. Applicants notified by the staff of a deficiency shall be granted a construction permit, in all instances within 30 days of the submission of information curing the deficiency.

(8) Fast-Track major modifications shall be processed under the same guidelines, in the same manner and with the same priorities as new Fast-Track applications.

(9) An applicant seeking later to modify a licensed Fast-Track facility, or Fast-Track construction permit, to include power levels in excess of the maximum permitted, or to utilize satellite feed, or to add other low power television features, shall utilize Form No. 346, and such

application will not be processed under the Fast-Track provisions.

2. Section 74.701 is amended by adding paragraph (h) to read as follows:

Section 74.701 Definitions

*** * * * ***

(h) Fast-Track Translator

A Fast-Track translator is a conventional translator authorized under expedited procedures in §73.3572(h). Unless stated otherwise, a Fast-Track translator is subject to the same rules as any other television broadcast translator station as defined in this section.

3. Section 74.735 is amended by adding paragraph (d) to read as follows:

Section 74.735 Power Limitations

*** * * * ***

(d) The maximum effective radiated power of a Fast-Track translator authorized under §73.3572(h) shall not exceed:

(1) 50 Watts for VHF Channels 2 - 13; and

(2) 500 Watts for UHF Channels 14 - 69.

4. Section 74.731 is amended by adding subparagraph (b)(3) to read as follows:

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(3) A Fast-Track translator authorized under §73.3572(h) shall not obtain any program input by use of space satellites.

5. Section 74.751 is amended by adding subparagraph (b)(6) to read as follows:

* * * * *

(b) Formal application (Form 346) is required for any of the following changes:

* * *

(6) For a translator authorized under Fast-Track procedures in §73.3572(h), any change that would exceed the power limitations of §74.735(d); any use of modulation feed otherwise permitted by §74.731(b)(2) in excess of thirty seconds per hour; or any use of program input delivered by space satellite.

6. Section 73.3500 is amended by adding the following Form and Form Number:

Section 73.3500 Application and Report Forms

333 -- Fast-Track Application Self-Certification Check-List

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